

# HOUSE BILL 800

P4

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CF SB 671

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By: **Delegates Proctor, Anderson, Conaway, Dumais, Gaines, Guzzone, Haynes, Howard, Hucker, Oaks, Pena–Melnik, Reznik, B. Robinson, Rosenberg, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, Waldstreicher, Washington, and Wilson**

Introduced and read first time: February 9, 2012

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State Personnel – Applicants for Employment – Criminal History Records**  
3 **Checks**

4 FOR the purpose of prohibiting certain appointing authorities in the Judicial,  
5 Executive, and Legislative branches of State government from inquiring into  
6 the criminal record or criminal history of an applicant for employment until the  
7 applicant has been provided an opportunity for an interview; providing that this  
8 Act does not prohibit certain appointing authorities from notifying an applicant  
9 for employment of certain information; providing for certain exceptions;  
10 requiring the Department of Budget and Management to make certain reports  
11 to the General Assembly; providing for the application of certain provisions of  
12 this Act; making certain provisions of this Act subject to a certain contingency;  
13 requiring the Department to take certain action under certain circumstances;  
14 providing for the termination of certain provisions of this Act; and generally  
15 relating to the conduct of criminal history records checks on applicants for  
16 employment in the Judicial, Executive, and Legislative branches of State  
17 government.

18 BY adding to  
19 Article – State Personnel and Pensions  
20 Section 2–203  
21 Annotated Code of Maryland  
22 (2009 Replacement Volume and 2011 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – State Personnel and Pensions**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **2-203.**

2 (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT  
3 AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THIS SECTION APPLIES TO  
4 ALL EMPLOYEES IN THE JUDICIAL, LEGISLATIVE, AND EXECUTIVE BRANCHES  
5 OF STATE GOVERNMENT.

6 (B) THIS SECTION DOES NOT APPLY TO:

7 (1) A POSITION IN THE DEPARTMENT OF PUBLIC SAFETY AND  
8 CORRECTIONAL SERVICES; OR

9 (2) A POSITION FOR WHICH AN APPOINTING AUTHORITY HAS A  
10 STATUTORY DUTY TO CONDUCT A CRIMINAL HISTORY RECORDS CHECK.

11 (C) EXCEPT FOR A POSITION IN THE STATE PERSONNEL MANAGEMENT  
12 SYSTEM FOR WHICH THE SECRETARY DETERMINES THAT THE SPECIFIC DUTIES  
13 AND RESPONSIBILITIES OF THE POSITION WOULD REQUIRE THE APPOINTING  
14 AUTHORITY TO KNOW AN APPLICANT'S CRIMINAL HISTORY, AN APPOINTING  
15 AUTHORITY MAY NOT INQUIRE INTO THE CRIMINAL RECORD OR CRIMINAL  
16 HISTORY OF AN APPLICANT FOR EMPLOYMENT UNTIL THE APPLICANT HAS BEEN  
17 PROVIDED AN OPPORTUNITY FOR AN INTERVIEW.

18 (D) THIS SECTION DOES NOT PROHIBIT AN APPOINTING AUTHORITY  
19 FROM NOTIFYING AN APPLICANT FOR EMPLOYMENT THAT CERTAIN PRIOR  
20 CRIMINAL CONVICTIONS MAY PROHIBIT EMPLOYMENT IN SOME POSITIONS.

21 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
22 read as follows:

23 **Article – State Personnel and Pensions**

24 **2-203.**

25 (E) THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN  
26 ACCORDANCE WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, BY  
27 OCTOBER 1 OF EACH YEAR FOR THE PREVIOUS FISCAL YEAR ON:

28 (1) THE TOTAL NUMBER OF POSITIONS THAT HAVE BEEN FILLED  
29 IN THE STATE PERSONNEL MANAGEMENT SYSTEM; AND

1                   **(2) THE NUMBER OF POSITIONS THAT HAVE BEEN DESIGNATED AS**  
2 **EXCEPTIONS BY THE SECRETARY UNDER SUBSECTION (C) OF THIS SECTION, BY**  
3 **AGENCY AND POSITION CLASSIFICATION.**

4           SECTION 3. AND BE IT FURTHER ENACTED, That, the provisions of this  
5 Act that apply to the State Personnel Management System may not take effect until  
6 the Department of Budget and Management accepts the deliverable for the  
7 implementation of Phase 1 of the State Personnel System. If the Department of  
8 Budget and Management accepts the deliverable of Phase 1, the provisions of Section  
9 1 of this Act that apply to the State Personnel Management System shall take effect  
10 30 days after the Department of Budget and Management accepts the deliverable.  
11 The Department of Budget and Management, within 5 days after accepting the  
12 deliverable of Phase 1, shall forward a copy of the signed Phase 1 Deliverable Product  
13 Acceptance Form to the Department of Legislative Services, 90 State Circle,  
14 Annapolis, Maryland 21401.

15           SECTION 4. AND BE IT FURTHER ENACTED, That the provisions of Section  
16 2 of this Act shall take effect October 1, 2012. Section 2 of this Act shall remain  
17 effective for a period of 4 years and 9 months and, at the end of June 30, 2017, with no  
18 further action required by the General Assembly, Section 2 of this Act shall be  
19 abrogated and of no further force and effect.

20           SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in  
21 Sections 3 and 4 of this Act, this Act shall take effect October 1, 2012.